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Spy law: a good idea goes bad

Push a good idea a little too far and it becomes a bad idea. Congress never tires of proving that rule.

This time the good idea was to deny spies and traitors any profits from books they may write about their activities. The Justice Department suggested that as a response to a rash of spy cases—particularly that of John Walker, a convict who reportedly expects to make \$1 million by peddling anecdotes about his 18-year career of spying for the Soviet Union.

It seemed easy to do. The 10-year-old "Son of Sam" law was designed to keep a multiple murderer, David Berkowitz, from getting rich by selling book and movie rights to his story. The law had been amended to include people convicted of violent federal crimes, and it should have been simple to add a line applying it to convicted spies.

But the Senate chose another vehicle, a lengthy bill dealing with diplomatic security against terrorists. And the amendment by Sen. Ted Stevens (R., Alaska) went far beyond what was needed. Instead of simply blocking book or movie profits for convicted spies, the amended bill says they shall forfeit to the United States any property or proceeds obtained "directly or indirectly" as the result of violating the espionage law,

along with "any of the [convicted] person's property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such violation." This applies to all sections of the espionage law, not just to delivering defense secrets to a foreign government.

The amendment does not merely threaten convicted spies with a loss of potential profit; it is a potential threat to news organizations that publish reports on intelligence matters. Under a literal reading of the law, for example, a newspaper's presses or broadcasting facilities could be forfeit to the government.

And some Reagan administration officials might read it very literally indeed. CIA Director William Casey, for example, has never been able to make out why newspapers are allowed to print things he doesn't want printed, and has repeatedly threatened certain papers and news organizations with the statute on code-breaking.

Perhaps unintentionally, this amendment has turned into another potential club for the administration to wave at news media. It has complicated a simple matter so thoroughly that Congress may have to scrap the whole amendment and start over.